

MONTANA LEGISLATIVE HISTORY

Chapter 182 19 91

Bill H 348 S _____ Original bill & history C

H. Committee on Business & Economic Development S. Committee on Education & Cultural Resources

Hearing Date(s) Jan 31 ☒ C

Hearing Date(s) Mar 08 ☒ C

Feb 01 ☒ C

Mar 11 ☒ C

_____ C

_____ C

_____ C

_____ C

Date Out Feb 01 ☒ C

Mar 11 ☒ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

3/16	2ND READING CONCURRED	49	0
3/18	3RD READING CONCURRED	48	1
	RETURNED TO HOUSE		
3/23	SIGNED BY SPEAKER		
3/25	SIGNED BY PRESIDENT		
3/25	TRANSMITTED TO GOVERNOR		
3/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 238		
		EFFECTIVE DATE: 3/29/91	

HB 348 INTRODUCED BY GERVAIS, ET AL.

SIGNS FOR IMITATION INDIAN ARTS OR CRAFT ARTICLES

1/22	INTRODUCED		
1/22	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
1/23	FIRST READING		
1/31	HEARING		
2/02	COMMITTEE REPORT—BILL PASSED		
2/05	2ND READING PASSED	91	8
2/07	3RD READING PASSED	90	9
	TRANSMITTED TO SENATE		
2/08	FIRST READING		
2/08	REFERRED TO EDUCATION & CULTURAL RESOURCES		
3/08	HEARING		
3/12	COMMITTEE REPORT—BILL CONCURRED		
3/14	2ND READING CONCURRED	48	0
3/15	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
3/20	SIGNED BY SPEAKER		
3/21	SIGNED BY PRESIDENT		
3/22	TRANSMITTED TO GOVERNOR		
3/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 182		
		EFFECTIVE DATE: 10/01/91	

HB 349 INTRODUCED BY GERVAIS, ET AL.

APPROPRIATION TO ASSIST NON-BENEFICIARY
STUDENTS ATTENDING TRIBAL COLLEGES

1/22	INTRODUCED
1/22	REFERRED TO APPROPRIATIONS
1/23	FIRST READING
3/05	HEARING
3/23	TABLED IN COMMITTEE

HB 350 INTRODUCED BY PAVLOVICH, ET AL.

PROHIBIT HEALTH CARE PROVIDERS FROM REFUSING
TO ACCEPT MEDICARE ASSIGNMENTS

1/22	INTRODUCED
1/22	REFERRED TO HUMAN SERVICES & AGING
1/23	FIRST READING
1/24	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
2/01	HEARING
2/18	TABLED IN COMMITTEE

HB 351 INTRODUCED BY COHEN, ET AL.

INCLUDE WILDLIFE AS FACTOR IN BETTER MANAGEMENT OF
FOREST LANDS

1/22	INTRODUCED
1/22	REFERRED TO NATURAL RESOURCES
1/23	FIRST READING
2/18	HEARING
2/21	COMMITTEE REPORT—BILL PASSED AS AMENDED

Express does stand behind everything they do. If the federal government were as secure, there wouldn't be this discussion.

REP. STELLA JEAN HANSEN asked what was the rate of interest. Mr. Williams said it was .5%. She then asked if securities were included in the list would the rule then apply to that. Ms. Young said they had contended that wasn't clear in the act. If a person studies fact amount securities, it is highly unlikely a portfolio would ever be put together that was based on U.S. direct obligations. If they did, it would meet that definition. However, that is not reality. The firms are managing a portfolio of investments so they can make a return on those investments. The guarantee is the backing of that company. It is similar to an insurance company guarantee.

REP. ELLIS asked if the companies she spoke about had long track records as did the companies discussed by Mr. Williams. Ms. Young said face amount certificates are a rare investment. There are few companies that offer these investments. IDS is one of the oldest and best companies offering them. However, this change in the bill could not be restricted to only IDS products. It is conceivable that much weaker, much less reliable companies than IDS could also meet this investment criteria.

Closing by the Sponsor:

REP. MARIAN HANSON said there had been good discussion by both proponents and opponents.

HEARING ON HB 348

REP. BOB GERVAIS, HD 9, Browning, said this bill would require that imitation arts and crafts articles would be displayed near a sign prominently and legibly designating the articles as imitation. With unemployment on the reservation up to 85% there is a need to identify Indian-made materials. There is a domination of foreign-made products in curio shops. Native people are being forced out of the market. He is concerned that historical and cultural identity will be lost. The object of the bill is not to stop the products from coming into the state. It is only to identify the imitations.

Proponents' Testimony:

Jackie Parsens, Northern Plains Indian Crafts Association, Browning, said she has been employed by the association for nineteen years. Through the years she has seen the competition and the stolen designs. In her store there is a label on each item denoting the tribe or craftsperson who made the product. Most tribes are isolated and do not enjoy the economic stability the way people do off the reservation. People fail to recognize that most Indians are artists. They have a high artistic ability that is being overlooked. Families depend on their craft work to subsidize income. At this time Indian people are being

compensated approximately 35 cents per hour for their crafts and this includes the materials. Products are not marked saying they are imported products.

Gloria Hermanson, Montana Cultural Advocacy, said highly visible designation of the imitation is appropriate and she urged support.

Nicholas Brohman, State Folklorist, Montana Arts Council, said this bill protects and encourages the traditional culture of Montana. The Montana Arts Council and the Governor's Indian Affairs Coordinator and other organizations and individuals are in the midst of developing the Northern Plains Indian Art Market. Throughout the world the image of an Indian is a Northern Plains Indian. This recognition has not been used for economic development in the state nor on the Indian reservation. This bill is a simple bill, but it has profound ramifications. In the Southwest Indian Art Market, there were major conflicts over what is and what is not Indian art. They determined that authenticity is the only saving grace that they have for both sides of the market, supply and demand. The value of all arts and crafts are in the authenticity.

George HorseCapture, Fort Belknap, said he had been a curator for eleven and a half years at the Buffalo Bill Historical Center in Cody. He is familiar with artistic experiences. The arts and crafts are essential to the community and are one of the main stays of their tradition. Many Indian people have no economic opportunity to work in a meaningful area of employment and to earn wages that will provide them with some economic independence. Indian items demonstrate artistic expression. The West is an honest and proud country and the best products should be identified.

Opponents' Testimony: None

Questions from the Committee:

REP. BENEDICT asked if the definition of "imitation" could be strengthened. REP. GERVAIS said he would talk that over with supporters of the bill. REP. BENEDICT asked about the amendments he proposed. CHAIRMAN BACHINI said that in Section 34-14-6012, MCA, "Imitation Indian Arts or Crafts Articles" means "those made by machine or made wholly out of synthetic or artificial materials or articles which are not made by Indian labor or workmanship".

REP. BARNETT asked if a non-Indian moves onto the reservation and they develop his art, is the art considered Indian art.

CHAIRMAN BACHINI said the definition included "... made by Indian labor" and in that example it would not be considered Indian art.

REP. LARSON asked if other states have this legislation. REP. GERVAIS said yes, North Dakota does. REP. LARSON asked how would a store be organized. Would each item need to be marked. REP. GERVAIS said no. The Native American arts and crafts would be in one area. They would need to be separated with a sign designating imitation.

REP. CROMLEY asked if labels are used presently. REP. GERVAIS passed on the question. Ms. Parsen said no. She uses her own label, a red buffalo that states "Certified by the Interior Department". There are only two other reservations in the United States that are certified by the Interior Department.

REP. LARSON asked if imported trinkets aren't required to have a manufacturer's label. Ms. Parsen said yes, and they do. The labels are put on with a small amount of glue. They are made to fall off. REP. LARSON asked if reservations had gift shops with imitations. Mr. Bromann said trading posts run by white people had those items.

Closing by the Sponsor:

REP. GERVAIS said there is federal legislation that may be coming out. This is a good bill. The school is the biggest employer. During the summer, school employees do arts and crafts for extra income.

HEARING ON HB 331

REP. TOM KILPATRICK, HD 85, Laurel, said it is not difficult to find out who owns luxury cars. One of his constituents wanted her name removed from the files in Deer Lodge. When Rep. Kilpatrick called for her, they said it couldn't be done.

This bill states "The Department may not provide any information on an owner, or the owner's vehicle to any person, other than a person having a legal interest in the vehicle, requesting the information for commercial purposes if the owner has requested in writing that the department not disclose the information." This is a voluntary thing.

REP. KILPATRICK discussed the proposed amendments. EXHIBIT 2 He is concerned about the individual's right to privacy.

Proponents' Testimony: None

Opponents' Testimony:

Patrick Driscoll, R. L. Polk and Company, said the company is a statistician for the automobile industry. Their company relies on motor vehicle registration information. The motor vehicle information is key and critical to the service they provide the public and the industry. An amendment may make this more acceptable. Polk has provided 264 million recall notices since

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

DATE June 31, 1991

[illegible]

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Business & Econ Dev. COMMITTEE BILL NO. HB 348
DATE Jan. 31, 1991 SPONSOR(S) Rep. Gervais
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Michael Torsen - Box E Bridgeway Mt 59417</i>	<i>N.P.C.A.</i>	<i>for</i>	
<i>Gloria Hermanson - Helena</i>	<i>MT Cultural Advisory</i>	<i>X</i>	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

randomly to just anybody. This was checked by the Polk Company and accepted.

Vote: Amendments were unanimously adopted.

Motion: Motion HB 331 AS AMENDED DO PASS.

Vote: HB 331 DO PASS AS AMENDED passed with REPS. WALLIN and STEPPLER voting NO.

EXECUTIVE ACTION ON HOUSE BILL 348

Motion: REP. BENEDICT moved HB 348 DO PASS.

Discussion: REP. LARSON asked how is REP. GERVAIS going to treat tribal crafts from those of other reservations? Will they be treated as out-of-state crafts or foreign manufacturer because each tribe considers itself as a tribal nation? REP. BENEDICT explained in the body of the bill it says 'imitation American Indian Arts' which answers that question. They are trying to get only original arts and crafts.

REP. HANSON thought the testimony indicated it does not stop an Indian operating a machine that generates this material regardless of who owns the company.

REP. BACHINI stated the Committee went through the definition on this, and imitation Indian Arts or Craft articles means those made by machine or made wholly out of synthetic or artificial materials which are not made by Indian labor or workmanship. REP. HANSON agreed. What happens if a machine on a reservation makes them?

REP. McCULLOCH didn't think the bill was really addressing the definition of Indian Art. That seems to be fairly well defined. We should speak to the bill which talks about displaying a sign indicating that something may be an imitation product. There is no problem with a definition of what Indian Art is.

REP. BACHINI reminded the bill defines the authentic from the imitation.

REP. ELLIS explained a seller of Indian Art would segregate the authentic from the imitation Indian Arts and Crafts he displays and sells. He thought HB 348 was a good idea. Another seller of authentic Indian crafts in his area was very much in favor of this bill.

Motion/Vote: Motion HB 348 DO PASS passed unanimously.

EXECUTIVE ACTION ON HOUSE BILL 362

Motion: REP. CROMLEY moved HB 362 DO NOT PASS.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

DATE Feb 1, 1991

[illegible]

HOUSE STANDING COMMITTEE REPORT

February 1, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 348 (first reading copy -- white) do pass .

Signed: _____
Bob Bachini, Chairman

MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By SENATOR CHET BLAYLOCK on March 8, 1991, at
3:00 P. M.

ROLL CALL

Members Present:

Chet Blaylock, Chairman (D)
Harry Fritz, Vice Chairman (D)
Robert Brown (R)
Bill Farrell (R)
H.W. Hammond (R)
Dennis Nathe (R)
Dick Pinsoneault (D)
Mignon Waterman (D)
Bill Yellowtail (D)

Staff Present: Eddy McClure (Legislative Council).

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

HEARING ON 348

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE BOB GERVAIS, House District 9, presented HB 348
requiring a legible/formal sign be displayed near or attached to
imitation Indian arts/crafts designating articles as imitation.

He said unemployment (some 80%) on the Indian reservations is of
great concern and there is a need to identify the authentic
Indian arts and crafts as such.

He said that many imitation articles are being sold and at
cheaper prices in Montana as authentic Indian craft work. He

feels much imitation work is inferior and doesn't meet standards of Indian workmanship. Many Indians have given up doing their native beadwork/crafts because of competition/low prices.

Proponents' Testimony:

JACKIE PARSONS, Director, Northern Plains Indian Crafts Association. (In office 18 years). All of their items for sale except books and cards must be made by an Indian.

Ms. Parsons praised Indian art and the place it holds in state's history/natural resources. Said the seven Montana Indian tribes look to the legislature and the state for protection. This bill, long overdue, will force retailers to separate and mark authentic hand produced Indian arts and crafts from other products made by non-Indian people--products she described as being inferior, factory-made copies of Indian products. She said authentic Indian crafts are hand made, unique and beautiful; handed down from many generations. Indian artists should not have to compete with foreign factories. There has been no effort to protect Indian arts and crafts. Urged committee's support.

Other speakers in support of HB 348:

NICHOLAS VROOMAN, Montana Arts Council
GLORIA HERMANAN, Montana Cultural Advocacy

There were no opponents to HB 348.

Questions From Committee Members:

SENATOR PINSONEAULT asked if each Indian tribe represents different types of art and if items can be distinguished one from another. Ms. Parsons answered yes to both questions.

Closing by Sponsor:

REPRESENTATIVE GERVAIS emphasized that HB 348 is not written to stop the sale of non-authentic Indian articles but rather that these products be identified as being imitation Indian products. He said other states have this law to protect their authentic Indian arts/crafts. He thanked the committee and those who testified supporting HB 348. Urged committee support for HB 348.

HEARING ON HB 105

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE LINDA NELSON, House District 19, presented HB 105. which provides for transfer of tenure teacher between teaching and administration.

Many Montana schools are facing tough financial times because of declining enrollment/decreasing caps. Somewhere along the line school boards have to make some hard choices to make the best use of their tax dollars which might involve eliminating an administrative position. This tenured administrative person

next decade with this bill and it won't solve any problems. What we need is evaluation of administrators/training programs.

Senator Hammond said that there have been cases when administrators were hired who had not taught. There is a requirement now that they have to have teaching experience.

SENATOR PINSONEAULT said that there are people who are very good teachers and good with kids but do not make good administrators because they cannot supervise other adults (teachers).

Vote:

SENATOR PINSONEAULT made a motion of DO CONCUR HB 105. 7 -aye; 1 - no. (Waterman) MOTION CARRIED. Senator Blaylock - carrier.

EXECUTIVE ACTION ON HB 348

Discussion:

SENATOR YELLOWTAIL said there is a large amount of foreign made jewelry/craft work being sold in Montana/national parks as authentic Indian jewelry. Tourists usually don't the difference. It not only is disappointing to the Indian people and hurts their economy but it is quite unfair to the tourist who pays a good price for something not authentic.

Motion and vote:

SENATOR BROWN made a motion DO CONCUR HB 348. Motion carried. Senator Yellowtail - carrier.

EXECUTIVE ACTION ON HB 431

Discussion:

CHAIRMAN BLAYLOCK said that he had a request to hold HB 431 for a standing committee report.

Amendments, discussion and vote:

Amendments to HB 431 (Eddy McClure, Legislative council) proposed for bill.

CHAIRMAN BLAYLOCK read a note from Representative Peck who said that "Representative Bardanouve amended out statutory provisions on HB 431. I now have him agreeable to making all \$6.00 go into the State Special Revenue account and one to the General Fund instead of \$3.00 to the General Fund. This is (Representative) Schye's bill and he has been informed about it so I assume he will propose the amendment. Just wanted you to know that 'Bard' will not resist the amendment. (Signed: Ray Peck)".

SENATOR WATERMAN asked if these amendments refer to the total